

Appl. No. 10/692,082
Amdt. Dated December 17, 2007
Reply to Office Action of September 13, 2007

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REMARKS/ARGUMENTS

Claims 1-29 are pending in the present application.

This Amendment is in response to the Office Action mailed September 13, 2007. In the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. §103(a). Applicant has amended claims 1-4, 8-9, 11-16, 19, 22, and 29. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claim Objections

The Examiner objects to claims 1-4, 13-14, and 16 due to minor informalities. Applicant has amended claims 1-4, 13-14, and 16 to correct the minor informalities.

Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to claims 1-4, 13-14, and 16.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected (1) claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,621,870 issued to Gordon et al. ("Gordon") in view of U.S. Patent No. 5,767,895 issued to Yashiro et al. ("Yashiro"); (2) claim 4 under 35 U.S.C. §103(a) as being unpatentable over Gordon and Yashiro as applied to claim 1 above and further in view of U.S. Patent No. 6,529,706 issued to Mitchell ("Mitchell"); (3) claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Gordon and Yashiro as applied to claim 1 above and further in view of U.S. Publication No. 2003/0120608 issued to Pereya ("Pereya"); (4) claims 8-12 under 35 U.S.C. §103(a) as being unpatentable over Gordon as applied to claim 1 above and further in view of Yashiro and U.S. Patent No. 7,010,801 issued to Jerding et al ("Jerding"); (5) claims 13-15 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Gordon in view of Yashiro and Jerding; (6) claim 17 under 35 U.S.C. §103(a) as being unpatentable over Gordon in view of Yashiro and Jerding as applied to claim 13 above and further in view of Pereya and Mitchell; (7) claims 16 and 18 under 35 U.S.C. §103(a) as being unpatentable over Gordon in view of Yashiro and Jerding as applied to claim 13 above and further in view of Mitchell; (8) claims 22 and 28 under 35 U.S.C. §103(a) as being unpatentable over Gordon in view of Yashiro and Jerding; (9) claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Gordon as

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applied to claim 22 above and further in view of Yashiro, Jerding, Mitchell, U.S. Patent No. 6,151,321 issued to Benson et al ("Benson") and U.S. Patent No. 6,477,707 issued to King et al ("King"); (10) claims 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Gordon and Jerding as applied to claim 22 above and further in view of Mitchell and Pereyra; and (11) claim 29 under 35 U.S.C. §103(a) as being unpatentable over Gordon as applied to claim 28 above and further in view of Yashiro, Jerding, and U.S. Publication No. 2004/0181801 issued to Hagen et al ("Hagen");

Applicant respectfully traverses the rejection and submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* §2143, p. 2100-126 to 2100-130 (8th Ed., Rev. 5, August 2006). Applicant respectfully submits that there is no suggestion or motivation to combine their teachings, and thus no *prima facie* case of obviousness has been established.

Furthermore, the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." *MPEP* 2141. In *KSR International Co. vs. Teleflex, Inc.*, 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." The Court further required that an explicit analysis for this reason must be made. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the

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legal conclusion of obviousness.” *KSR 127 S.Ct.* at 1741, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). In the instant case, Applicant respectfully submits that there are significant differences between the cited references and the claimed invention and there is no apparent reason to combine the known elements in the manner as claimed, and thus no *prima facie* case of obviousness has been established.

1. Claims 1-3:

Gordon discloses a method and apparatus for compressing video sequences. An information distribution system 100, e.g., a video-on-demand system or digital cable system, contains service provider equipment (SPE) 102, a distribution network 104 and subscriber equipment (SE) 106 (Gordon, col. 4, lines 14-21). An encoding and multiplexing unit 116 in the SPE 102 produces a transport stream comprising a plurality of encoded video, audio, and data elementary streams (Gordon, col. 5, lines 23-27). The video sequences V1-V10 are coupled to respective real time encoders 220. Each encoder 220 encodes a composited interactive program guide (IPG) screen sequence to form a corresponding compressed video bit stream (Gordon, col. 6, lines 14-17). A packetizer assigns a packet identification (PID) to each of the packets representing information from the stream (Gordon, col. 8, lines 6-9).

Yashiro discloses CATV telephone system. Telephone line modules 21 and the computer interface unit 23 function as a home interface device located at the subscriber's household, referred to as Premises Interface Device (PID) (Yashiro, col. 3, lines 45-47). Within the up direction frequency band, ten sub-frequency bands are arranged so as to achieve frequency-division multiplex, and nine sub-frequency bands out of them are used for normal communication (Yashiro, col. 5, lines 52-55). When the center 2 receives the request data, the network manager 39 notifies the non-busy communication frequency band of up direction using the control communication frequency band f_{DC} , with the address data for identifying the PID (Yashiro, col. 6, lines 48-56).

Gordon and Yashiro, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) assigning a unique process identification number (PID) to a frequency band used by each of a plurality of multimedia content providers, (2) simultaneously receiving a plurality of data segments from the plurality of multimedia content providers, wherein the data segments are tracked using the PID assigned to the frequency band used by

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each multimedia content provider; (3) reconstructing a multimedia asset package transmitted by the multimedia content provider by compiling the plurality of data segments that constitute the multimedia asset package; (4) providing the multimedia asset package to a video-on-demand server that transmits at least a portion of the multimedia asset package to an end user, as recited in claim 1; (5) receiving at least three data segments simultaneously from different multimedia content providers, as recited in claim 2; and (6) simultaneously receiving the plurality of data segments on different frequency bands, as recited in claim 3.

First, Gordon merely discloses assigns a packet identification (PID) to each of the packets representing information from the stream (Gordon, col. 8, lines 6-9), not a process identification number assigned to a frequency band used by each of a plurality of multimedia content providers. Gordon's PID refers to the ID of a packet. Gordon specifically discloses that the PID field contains thirteen bits and uniquely identifies each packet that contains a portion of a stream of video information as well as audio information and data (Gordon, col. 8, lines 49-50). A packet is merely a portion of the stream. Therefore it is not the frequency band used by a content provider. The frequency band is used by the content provider to transmit a multimedia asset package.

Second, Gordon merely discloses a MPEG encoding process (Gordon, col. 5, lines 33-34), not simultaneously receiving a plurality of data segments from the plurality of multimedia content providers wherein the data segments are tracked using the PID assigned to the frequency band used by each multimedia content provider. The encoding and multiplexing unit 116 merely receives a plurality of video sequences V1-V10 and the packet IDs are assigned to the received video sequences (Gordon, col. 5, lines 47-49; col. 8, lines 7-12; Figure 2). Since the packet IDs are assigned after the receiving of the video sequences, they cannot be used to track the data segments.

Third, Gordon merely discloses the encoding and multiplexing unit 116 receiving a plurality of video sequences V1-V10, the audio source SA, and the data stream SD (Gordon, col. 5, lines 23-27; lines 46-48), not reconstructing a multimedia asset package transmitted by the multimedia content provider by compiling the plurality of data segments that constitute the multimedia asset package. The encoding and multiplexing unit 116 merely performs encoding to form a compressed video bit stream (Gordon, col. 6, lines 14-19). MPEG encoding is

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compressing, not reconstructing. In fact, compressing is the opposite of reconstructing because it reduces the information to a compressed format. Furthermore, this encoding function is performed at the service provider equipment (Gordon, col. 5, lines 22-26; Figure 2). Therefore, it cannot reconstruct a multimedia asset package transmitted by the multimedia content provider. Furthermore, this encoding does not involve compiling the data segments.

Fourth, Yashiro merely discloses a cable television (CATV) telephone system (Yashiro, col. 1, lines 56-59), not a multimedia asset system. A telephone system merely transmits voice information, not multimedia information which includes video, audio, and data.

Fifth, Yashiro merely discloses a Premises Interface Device (PID) (Yashiro, col. 3, lines 45-47), not a process identification number assigned to a frequency band used by each of a plurality of multimedia content providers. Yashiro's PID refers to a home interface device. A device is not a frequency band. Furthermore, the frequency bands used in Yashiro are for frequency-division multiplexing so that the network manager can locate the non-busy frequency band and the time slot (Yashiro, col. 6, lines 48-60). They are not used to differentiate among different content providers.

Regarding claim 2, Gordon merely discloses the video sequences V1-V10 being coupled to respective real-time encoders 220 (Gordon, col. 6, lines 14-16; Figure 2), not receiving at least three data segments simultaneously from different multimedia content providers. The video sequences V1-V10 comes from a single video source 114 (Gordon, Fig. 1), not from different multimedia content providers. Furthermore, since the video sequences V1-V10 includes imagery common to each other (Gordon, col. 5, lines 51-52), they cannot represent at least three data segments simultaneously from different multimedia content providers.

Regarding claim 3, Yashiro merely discloses using the frequency bands used for frequency-division multiplexing so that the network manager can locate the non-busy frequency band and the time slot (Yashiro, col. 6, lines 48-60), not simultaneously receiving the plurality of data segments on different frequency bands. Frequency-division multiplexing refers to selecting a frequency band one at a time, not simultaneously.

Accordingly, Applicant believes that claims 1-3 are distinguishable from Gordon and Yashiro, and respectfully request the rejection be withdrawn.

2. Claim 4:

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Gordon and Yashiro are discussed above.

Mitchell discloses an aircraft satellite communications system for distributing internet service from direct broadcast satellites (DBS). An L-band IF-signal is connected to a DBS receiver card 510 (Mitchell, col. 12, lines 58-60).

Gordon, Yashiro, and Mitchell, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) – (4), as above, as recited in claim 1; and (5) receiving data segments from each multimedia content provider using a separate data receiver card for each frequency band used by each content provider, as recited in claim 4.

As discussed above, Gordon and Yashiro, taken alone or in combination, do not disclose or render obvious elements (1) through (4) above. Accordingly, a combination of Gordon and Yashiro with any other reference in rejecting claim 4, which depends on claim 1, is inappropriate.

Furthermore, Mitchell merely discloses a DBS receiver card to receive an L-band IF-signal (Mitchell, col. 12, lines 58-60), not receiving data segments from each multimedia content provider using a separate data receiver card for each frequency band used by each content provider. The L-band is a fixed frequency band, from 950 MHz to 1450 MHz (Mitchell, col. 6, lines 39-41). Since there is only a single fixed frequency band, it is impossible to receive using a separate data receiver for each frequency band.

3. Claims 5-7:

Gordon and Yashiro are discussed above.

Mitchell is discussed above. Additionally, Mitchell discloses a communications center data content aggregator 220 contains communications software 221 that responds to a unique address code associated with a URL request from a client computer or PC or other computing device 272 received over a communications back-channel 280 (Mitchell, col. 5, lines 38-43). The communications back-channel 280 provides a means of communicating with the Internet (Mitchell, col. 7, lines 2-3).

Pereyra discloses a secure method for purchasing and payment over a communication network and method for delivering goods anonymously. An Online Payment Authorization Method involves a Solution's Server 10, an Issuer 20, a Payment Processor 30, a Merchant 40 and a Delivery Agent 50 (Pereyra, paragraph [0051], lines 1-8). Based on the Merchant 40 Identifier and the Issuer 20 transaction code and authorization code, the Payment Processor 30

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routes back to the Merchant 40 the transaction code and the authorization code. Finally the Merchant 40 based on the authorization code accepts or denies the purchase transaction; in case the payment was approved, the Merchant 40 proceeds as follows: (a) packages the order, (b) generates the Order's Unique Identifier, (c) labels the order's package with said Order's Unique Identifier, (d) sends to the Solution's Server 10 a delivery confirmation message including the order details and said Order's Unique Identifier and (e) delivers the order's package to the Delivery Agent 50 (Pereyra, paragraph [0051], lines 39-54)

Gordon, Yashiro, Mitchell, and Pereyra, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) – (4) as above, as recited in claim 1; (5) providing a backchannel connection to each multimedia content provider to enable the multimedia content provider to track the receipt of data segments transmitted by the multimedia content provider, as recited in claim 5; (6) providing acknowledgements of receipt of a multimedia asset package to the multimedia content provider using the backchannel connection, as recited in claim 6; and (7) the backchannel connection is a network connection chosen from the group consisting of an internet connection, a public switched telephone network (PSTN) connection, and a virtual private network (VPN) connection, as recited in claim 7.

As discussed above, Gordon and Yashiro, taken alone or in combination, do not disclose or render obvious elements (1) through (4) above. Accordingly, a combination of Gordon and Yashiro with any other reference in rejecting claims 5-7, which depend on claim 1, is inappropriate.

Furthermore, Mitchell merely discloses a communications back-channel 280 to provide means of communicating with the Internet (Mitchell, col. 7, lines 2-3), not connection to each multimedia content provider. The backchannel 280 is a communication including a phone radio 281, an antenna 282, satellite 283, and a ground station 284 (Mitchell, col. 7, lines 19-22; Figure 2). This communication system is coupled to an aircraft 250. It is therefore not connected to a multimedia content provider.

Moreover, Pereyra merely discloses an online payment authorization method. A Payment Processor 30 routes back to the Merchant 40 the transaction code and the authorization code (Pereyra, paragraph [0051], lines 39-54), not to enable the multimedia content provider to track the receipt of data segments transmitted by the multimedia content provider. A merchant

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40 sends to the Solution's Server 10 a delivery confirmation message including the order details and said Order's Unique Identifier. This delivery confirmation message is merely related to an on-line order. It has nothing to do with tracking the receipt of data segments transmitted by the multimedia content provider.

4. Claims 8-12:

Gordon and Yashiro are discussed above.

Jerding discloses a video on demand system with parameter-controlled bandwidth deallocation. A user is presented with purchased title with VOD support (Jerding, col. 25, lines 57-59; Fig. 20, block 259). If the user desires to rent the selected MOD title shown in the rental option screen 227, the user may depress a button on the remote 40 as directed in the rental option button bar 229 (Jerding, col. 19, lines 15-19).

Gordon, Yashiro, and Jerding, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) - (4) as above, as recited in claim 1; and (5) validating the multimedia asset package to confirm successful receipt of the multimedia asset package, as recited in claim 8.

As discussed above, Gordon and Yashiro, taken alone or in combination, do not disclose or render obvious elements (1) through (4) above. Accordingly, a combination of Gordon and Yashiro with any other reference in rejecting claims 8-12, which depend on claim 1, is inappropriate.

Furthermore, Jerding merely discloses a user depressing a button on the remote 40 as directed in the rental option button bar 229 (Jerding, col. 19, lines 15-19), not validating the multimedia asset package to confirm successful receipt of the multimedia asset package. Pressing a button to rent a selected MOD title merely selects a title to rent. It does not validate the package.

5. Claims 13-15 and 19-21:

Gordon, Yashiro, and Jerding are discussed above.

Gordon, Yashiro, and Jerding, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) assigning a unique process identification number (PID) to each of a plurality of frequency bands used by a plurality of multimedia content providers; (2) receiving a plurality of multimedia data segments from the plurality of multimedia content

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providers, wherein the multimedia data segments are received simultaneously, the multimedia data segments are tracked using the PIDs, and the plurality of multimedia data segments form a complete multimedia asset package; (3) forming the complete multimedia asset package using the plurality of multimedia data segments; (4) validating the complete multimedia asset to confirm successful receipt of the complete multimedia asset; and (5) providing each complete multimedia asset package to a video-on-demand server that transmits multimedia assets to end users, as recited in claim 13.

As discussed above, Gordon and Yashiro do not disclose or render obvious elements (1) through (3) above. Accordingly, a combination of Gordon and Yashiro with any other reference to reject claims 13-15 and 19-21 is inappropriate.

Furthermore, as discussed above, Jerding merely discloses a user depressing a button on the remote 40 as directed in the rental option button bar 229 (Jerding, col. 19, lines 15-19), not validating the multimedia asset package to confirm successful receipt of the multimedia asset package. Pressing a button to rent a selected MOD title merely selects a title to rent. It does not validate the package.

6. Claim 17:

Gordon, Yashiro, Jerding, Mitchell, and Pereyra are discussed above.

Gordon, Yashiro, Jerding, Mitchell, and Pereyra, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) - (5) as above, as recited in claim 13; and (6) providing a backchannel connection to each multimedia content provider to provide each multimedia content provider with acknowledgements of either successful or unsuccessful receipt of a complete multimedia asset package, as recited in claim 17.

As discussed above, Gordon, Yashiro, and Jerding do not disclose or render obvious elements (1) through (5) above. Accordingly, a combination of Gordon, Yashiro, and Jerding with any other reference to reject claim 17 is inappropriate.

Furthermore, Mitchell merely discloses a communications back-channel 280 to provide means of communicating with the Internet (Mitchell, col. 7, lines 2-3), not connection to each multimedia content provider. The backchannel 280 is a communication including a phone radio 281, an antenna 282, satellite 283, and a ground station 284 (Mitchell, col. 7, lines 19-22; Figure

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2). This communication system is coupled to an aircraft 250. It is therefore not connected to a multimedia content provider.

Moreover, Pereyra merely discloses an online payment authorization method. A Payment Processor 30 routes back to the Merchant 40 the transaction code and the authorization code (Pereyra, paragraph [0051], lines 39-54), not to enable the multimedia content provider to track the receipt of data segments transmitted by the multimedia content provider. A merchant 40 sends to the Solution's Server 10 a delivery confirmation message including the order details and said Order's Unique Identifier. This delivery confirmation message is merely related to an on-line order. It has nothing to do with tracking the receipt of data segments transmitted by the multimedia content provider.

7. Claims 16 and 18:

Gordon, Yashiro, Jerding, and Mitchell are discussed above.

Gordon, Yashiro, Jerding, and Mitchell, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) - (5) as above, as recited in claim 13; and (6) receiving the multimedia data segments from different multimedia content providers using a separate data receiver card for each different frequency band used by the content providers, as recited in claim 16; and (7) the backchannel connection is a network connection chosen from the group consisting of an internet connection, a public switched telephone network (PSTN) connection, and a virtual private network (VPN) connection, as recited in claim 18.

As discussed above, Gordon, Yashiro, and Jerding do not disclose or render obvious elements (1) through (5) above. Accordingly, a combination of Gordon, Yashiro, and Jerding with any other reference to reject claim 18 is inappropriate.

Furthermore, Mitchell merely discloses a DBS receiver card to receive an L-band IF-signal (Mitchell, col. 12, lines 58-60), not receiving data segments from each multimedia content provider using a separate data receiver card for each frequency band used by each content provider. The L-band is a fixed frequency band, from 950 MHz to 1450 MHz (Mitchell, col. 6, lines 39-41). Since there is only a single fixed frequency band, it is impossible to receive using a separate data receiver for each frequency band.

Moreover, Mitchell merely discloses a communications back-channel 280 to provide means of communicating with the Internet (Mitchell, col. 7, lines 2-3), not connection to each

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multimedia content provider. The backchannel 280 is a communication including a phone radio 281, an antenna 282, satellite 283, and a ground station 284 (Mitchell, col. 7, lines 19-22; Figure 2). This communication system is coupled to an aircraft 250. It is therefore not connected to a multimedia content provider.

8. Claims 22 and 28:

Gordon, Yashiro, and Jerding are discussed above.

Gordon, Yashiro, and Jerding, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) a multimedia network interface unit to simultaneously receive a plurality of multimedia data segments sent from a plurality of multimedia content providers and to provide the multimedia data segments; (2) a receive unit coupled to the multimedia network interface unit to reconstruct a complete multimedia asset package from the plurality of multimedia data segments provided by the multimedia network interface unit, and to validate the complete multimedia asset package; and (3) a content management system to receive multimedia asset packages from the receive unit, manage the received multimedia asset packages, and provide the multimedia asset packages to a multimedia server; wherein each frequency band used by a multimedia content provider is assigned a unique process identification number (PID), and the multimedia asset packages are tracked using at least the PID assigned to the frequency band used by the multimedia content provider, as recited in claim 22.

As discussed above, Gordon, Yashiro, and Jerding, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) a multimedia network interface unit to simultaneously receive a plurality of multimedia data segments sent from a plurality of multimedia content providers and to provide the multimedia data segments; (2) a receive unit coupled to the multimedia network interface unit to reconstruct a complete multimedia asset package from the plurality of multimedia data segments provided by the multimedia network interface unit, and to validate the complete multimedia asset package; and (3) each frequency band used by a multimedia content provider is assigned a unique process identification number (PID), and the multimedia asset packages are tracked using at least the PID assigned to the frequency band used by the multimedia content provider.

Furthermore, Jerding merely discloses a VOD content manager 21 to manage the content on VOD content servers 22 (Jerding, col. 5, lines 16-20), not a content management system to

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receive multimedia asset packages from the receive unit, manage the received multimedia asset packages, and provide the multimedia asset packages to a multimedia server. The content manager 21 and VOD content servers 22 merely deliver MPEG-2 content to a service group of QAM modulators (Jerding, col. 5, lines 16-18). Delivering MPEG-2 content is the opposite of receiving multimedia asset packages from the receive unit.

9. Claims 23-25:

Gordon, Yashiro, Jerding, and Mitchell are discussed above.

Benson discloses a method and system for sending ATM cells to an ATM network from a host. An ATM communications system 100 includes an ATM network 102 on which ATM packets having ATM cells, a host 108 having a host memory mechanism 110, an interface 114 having a receive memory mechanism 116 which stores a partial packet. The interface 114 is connected to the ATM network 102. The interface 114 is preferably a NIC 114 (Benson, col. 4, lines 29-42; Figure 2)

King discloses a method and system for broadcast transmission of media objects. A broadcast system 10 supports six different types or categories of broadcast services (King, col. 8, lines 40-41). The sixth service category is "additional services.", Additional services preferably consist of services that provide interfacing to: conditional access systems, subscriber management systems, billing systems, NDIS drivers for PC broadcast receiver cards, and customized programs for the automation of content delivery and presentation (King, col. 9, lines 16-21).

Gordon, Yashiro, Mitchell, Pereyra, Jerding, Benson, and King, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) – (3), as above, as recited in claim 22; (4) a plurality of data receiver cards configured to receive satellite transmissions, as recited in claim 23; (5) a plurality of data receiver cards configured to receive satellite transmissions and a network interface card configured to receive terrestrial transmissions, as recited in claim 24; and (6) network interface card comprises an ethernet card, as recited in claim 25.

As discussed above, Gordon, Yashiro, and Jerding, taken alone or in any combination, do not disclose or render obvious elements (1) through (3) above. Accordingly, a combination of

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Gordon, Yashiro, and Jerding with any other references in rejecting claims 23-25, which depend on claim 22, is inappropriate.

Furthermore, Benson merely discloses NIC 114 used for ATM transmissions (Benson, col. 4, lines 29-42; Figure 2), not a plurality of data receiver cards configured to receive satellite transmissions. ATM transmissions involve an ATM network which is made up of switches and endpoints (Benson, col. 1, lines 35-43). Such a network does not involve satellite transmissions.

Moreover, King merely discloses interfacing to NDIS drivers for PC broadcast receiver cards (King, col. 9, lines 16-21), not a plurality of data receiver cards configured to receive satellite transmissions and a network interface card configured to receive terrestrial transmissions. The broadcast receiver cards do not involve two types of cards to receive satellite and terrestrial transmissions.

10. Claim 26:

Gordon, Jerding, Mitchell, and Pereyra are discussed above.

As discussed above, Gordon, Jerding, Mitchell, and Pereyra, taken alone or in any combination do not disclose or render obvious elements (1) through (3) above. In addition, none of Gordon, Jerding, Mitchell, and Pereyra discloses the receive unit comprises a backchannel network to provide a communication pathway between the multimedia catcher receiver and the plurality of multimedia content providers to provide acknowledgements of successful receipt of multimedia asset packages to the multimedia content providers, as recited in claim 26.

As discussed above, Mitchell merely discloses a communications back-channel 280 to provide means of communicating with the Internet (Mitchell, col. 7, lines 2-3), not connection to each multimedia content provider. The backchannel 280 is a communication including a phone radio 281, an antenna 282, satellite 283, and a ground station 284 (Mitchell, col. 7, lines 19-22; Figure 2). This communication system is coupled to an aircraft 250. It is therefore cannot provide a communication pathway between the multimedia catcher receiver and the plurality of multimedia content providers.

Moreover, Pereyra merely discloses an online payment authorization method. A Payment Processor 30 routes back to the Merchant 40 the transaction code and the authorization code (Pereyra, paragraph [0051], lines 39-54), not to enable the multimedia content provider to track the receipt of data segments transmitted by the multimedia content provider. A merchant

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40 sends to the Solution's Server 10 a delivery confirmation message including the order details and said Order's Unique Identifier. This delivery confirmation message is merely related to an on-line order. It has nothing to do with providing acknowledgements of successful receipt of multimedia asset packages to the multimedia content providers.

11. Claim 29:

Gordon, Yashiro, and Jerding are discussed above.

Hagen discloses an interactive television for promoting goods and services. A set top box may further comprise a television receiver 42, a cable receiver 44, a DVD player 46, a CD player 48, and a VHS player 50 (Hagen, paragraph [0020], lines 9-12).

Gordon, Yashiro, Jerding, and Hagen, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) – (3) as above, as recited in claim 22; and (4) asset receive unit comprises at least one data input unit taken from the group consisting of a digital versatile disk (DVD)-based drive and a file transfer protocol (FTP) server interface, as recited in claim 29.

Furthermore, Hagen merely discloses DVD player in a set top box (Hagen, paragraph [0020], lines 9-12), not a receive unit including a DVD-based drive and a FTP server interface. A DVD player merely a device that plays a DVD, not processing multimedia asset packages from the receive unit and multimedia asset packages received from a local source. A DVD player is not a receive unit. A DVD is not a multimedia asset package transmitted from a content provider.

The Examiner failed to establish a prima facie case of obviousness and failed to show there is teaching, suggestion, or motivation to combine the references. When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined. Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, 974 F.2d

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1309, 1312 (Fed. Cir. 1992), 24 USPQ2d 1040; Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1996), 47 USPQ 2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Furthermore, although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." In re Mills 916 F.2d at 682, 16 USPQ2d at 1432; In re Fritch, 972 F.2d 1260 (Fed. Cir. 1992), 23 USPQ2d 1780.

Moreover, the Examiner failed to establish the factual inquiries in the three-pronged test as required by the *Graham* factual inquiries. There are significant differences between the cited references and the claimed invention as discussed above. Furthermore, the Examiner has not made an explicit analysis on the apparent reason to combine the known elements in the fashion in the claimed invention. Accordingly, there is no apparent reason to combine the teachings of Gordon, Yashiro, Mitchell, Pereyra, Jerding, Benson, King, and Hagen.

In the present invention, the cited references do not expressly or implicitly disclose any of the above elements. In addition, the Examiner failed to present a convincing line of reasoning

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as to why a combination of Gordon, Yashiro, Mitchell, Pereyra, Jerding, Benson, King, and Hagen is an obvious application of a multicast media distribution system, or an explicit analysis on the apparent reason to combine Gordon, Yashiro, Mitchell, Pereyra, Jerding, Benson, King, and Hagen in the manner as claimed.

Therefore, Applicant believes that independent claims 1, 13, and 22 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §103(a) be withdrawn.

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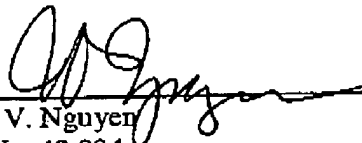
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 17, 2007

By


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